

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

XEROX CORPORATION

\*

Plaintiff

\*

v.

\* CIVIL ACTION NO. L 02 CV 1734

PHOENIX COLOR CORPORATION

\*

and

\*

TECHNIGRAPHIX, INCORPORATED

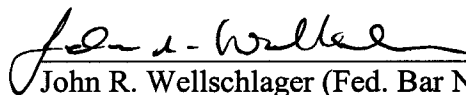
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Defendants

\* \* \* \* \*

**PHOENIX COLOR CORP.'S MOTION FOR LEAVE  
TO FILE COUNTERCLAIM**

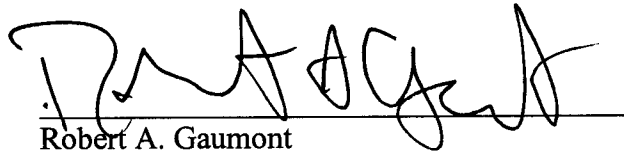
Phoenix Color Corp. ("Phoenix Color"), by its attorneys and pursuant to Rule 13(f) of the Federal Rules of Civil Procedure, moves for leave to file a counterclaim for fraud and negligent misrepresentation. Phoenix Color recently has discovered fraudulent conduct that was not reasonably foreseeable when this Court issued its Scheduling Order four months ago. The grounds for Phoenix Color's motion are set forth more fully in the accompanying Memorandum in Support and the Status Report that Phoenix Color has filed concurrent with this Motion.

  
\_\_\_\_\_  
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*Attorneys for Phoenix Color Corporation  
and Technigraphix, Inc., Defendants*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 10<sup>th</sup> day of March, 2003 a copy of Phoenix Color Corp.'s Motion for Leave to Designate Handwriting Expert and Extend Discovery Deadline, Motion for Leave to File Counterclaim and Memorandum in Support of its Motions for (i) Leave to Designate Handwriting Expert and Extend Discovery Deadline and (ii) Leave to File Counterclaim and proposed Order was faxed and mailed, postage prepaid, to: Sidney S. Friedman, Esquire and Rosemary E. Allulis, Weinstock, Friedman & Friedman, P.A., Executive Centre, 4 Reservoir Circle, Baltimore, Maryland 21208-7301, attorneys for plaintiff.

  
Robert A. Gaumont

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Defendant

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**ORDER**

Upon consideration of Phoenix Color's Motion for Leave to Designate Handwriting Expert and Extend Discovery Deadline, Phoenix Color's Motion to File Counterclaim, Memorandum in Support thereof, and any opposition thereto, it is this \_\_\_\_ day of March, 2003,

**ORDERED:** Phoenix Color shall have leave to file a Counterclaim on or before March \_\_\_\_, 2003, and it is

**FURTHER ORDERED:** that Phoenix Color shall have leave to designate an expert in handwriting, such expert to be designated within 30 days of the date of this Order; and it is

**FURTHER ORDERED:** that both Phoenix Color and Xerox Corp. shall be allotted an additional 15 hours to take depositions of factual witnesses in this case; and it is

**FURTHER ORDERED:** that the deadline for completing discovery shall be extended to 60 days from date of this Order.

\_\_\_\_\_  
Date

\_\_\_\_\_  
United States District Court Judge